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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF )	
TRENT KJAR DECKER )	STIPULATION AND ORDER
TO PRACTICE AS A PHARMACIST )	
AND TO DISPENSE CONTROLLED )	CASE NO. DOPL 2007-224
SUBSTANCES IN THE STATE OF UTAH )	

Trent Kjar Decker ("Respondent") and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah

("Division") stipulate and agree as follows

- 1 The Respondent admits the jurisdiction of the Division over the Respondent and over the subject matter of this action
- 2 The Respondent acknowledges that he enters into this Stipulation knowingly and voluntarily
- 3 The Respondent is represented by William J. Stilling and Scott Bell of the law firm Parsons, Behle & Latimer
- 4 The Respondent understands that he is entitled to a hearing before the Utah State Board of Pharmacy ("the Board"), or other Division Presiding Officer, at which time he may present evidence on his own behalf, call witnesses, and confront adverse witnesses. The Respondent

acknowledges that by executing this document he hereby waives the right to a hearing and any other rights to which he may be entitled in connection with said hearing

5 The Respondent has received a Petition and a Notice of Agency Action in this matter, and he has filed an Answer in this case

6 The Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 The Respondent admits the following facts

a From approximately September 2005 until December 29, 2006, the Respondent consumed alcohol on a regular basis. On or about December 2006, the Respondent reported to work on more than one occasion with a stale odor of alcohol on his person

b The Respondent admits that he has an alcohol problem, that if left untreated, could result in possible harm to the health, safety and welfare of the public

c The Respondent voluntarily sought help for an alcohol problem. In early February 2007, the Respondent participated in a substance abuse evaluation at Abbey Road Counseling Services. Subsequently, he entered the Highland Ridge program and successfully completed treatment there for his alcoholism

d The Respondent participated in aftercare with Abbey Road Counseling, attending 19 aftercare group sessions from April 2007 through November 2007

e The Abbey Road Counseling Services Director concluded that the Respondent has a bright and promising future in his recovery because he has a positive outlook, a supportive family, and the ability and self awareness to take accountability for his actions and to admit that he is an alcoholic

8 The Respondent admits that his conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(e), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a)

Therefore, the Respondent agrees that an Order shall be entered in this matter as follows

1 a The Respondent's license shall be placed on probation for a period of three years from the date that this Stipulation and Order is signed by the Division Director ("the effective date") During the period of probation, the Respondent shall be subject to all of the following terms and conditions If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division

(i) The Respondent shall meet with the Board within thirty (30) days of the effective date The Respondent shall meet with a Division staff person prior to his first meeting with the Board to review this agreement For the remainder of the duration of the probationary period, the Respondent shall meet with the Board or with the Division, quarterly or at such other greater or lesser frequency as the Division may direct

(ii) The Respondent will provide proof to the Division that he has successfully completed a substance abuse evaluation and all recommended follow-up/after care In this case, the Respondent has submitted proof to the Division that he completed a substance abuse evaluation through Abbey Road Counseling Services, Inc., and that he completed inpatient treatment at the Highland Ridge Program in Salt Lake City

(iii) Although the use and possession of alcohol is generally legal for persons age 21 and older, the Respondent agrees to abstain from the personal use of alcohol in any form The Respondent agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substances or prescription drugs are lawfully prescribed to the Respondent for a current bona fide illness or condition by a licensed practitioner and taken by the Respondent in accordance with that practitioner's instructions The Respondent shall abstain from any and all other mood altering substances or use of mood altering substances for any other purpose other than the purpose for which the substance was lawfully prescribed for by a licensed practitioner

(iv) Unless otherwise approved by the Division, the Respondent shall, except as provided otherwise herein, receive prescriptions for controlled substances from only one prescribing practitioner, and the Respondent shall fill these prescriptions at only one pharmacy The Respondent shall not obtain the same or equivalent controlled substance from more than one practitioner All prescribing practitioners of controlled substances must be informed of any and all of Respondent's addiction/abuse problems The Respondent shall not attempt, under any circumstance, to obtain controlled substances in quantities or types that are not legitimately required The Respondent shall submit the names of the prescribing practitioner and pharmacy to the Division and Board for approval The Respondent shall provide the Division with a copy of all his prescriptions for prescription drugs, controlled substances, or any other mood altering substance, within forty-eight (48) hours after the prescription has been written

(v) Prescriptions for controlled substances from an emergency practitioner or referral practitioner must be submitted to the Division within forty-eight (48) hours of being issued. The Respondent shall report to the Division within forty-eight (48) hours any and all controlled substances administered or dispensed to the Respondent by any other individual.

(vi) The Respondent shall provide to the primary prescribing medical practitioner a copy of this Stipulation and Order, and he will ensure that the practitioner acknowledges to the Division in writing that the Stipulation and Order has been received.

(vii) The Respondent shall provide samples (urine, blood, saliva, hair, or any other type of sample requested) for drug analysis upon the request of the Division during the probationary period, to be conducted by any company with which the Division has contracted to conduct drug testing. The designated company may also request such samples, and the Respondent shall comply with such requests. The Division shall determine when and where the Respondent is to submit himself for testing. The Respondent shall pay for the cost of drug testing and shall accurately complete and sign any and all release forms requested by the Division or the drug testing company with respect to drug testing, including but not limited to, forms authorizing the company to send the drug test results to the Division. Any report from a drug testing company that indicates that the Respondent failed to provide a sample for drug analysis as directed will be considered a positive drug test result for the Respondent and will subject the Respondent to additional sanctions. Any drug test result or pattern of results that indicates that the sample provided by the Respondent for drug analysis is diluted to an extent that it cannot be analyzed, will be considered a positive drug test result for Respondent and will subject Respondent to additional sanctions.

(viii) The failure of the Respondent to pay any costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.

(ix) The Division may take appropriate action to impose sanctions if (a) The Respondent tests positive for alcohol, a prescription drug, a controlled substance, or any prescription or illicit mood altering substance which cannot be accounted for by an administration or prescription by a lawful practitioner for a current medical condition, or (b) The Respondent violates any federal, state or local law relating to the Respondent's practice, the Controlled Substance Act, or a term or condition of this Stipulation and Order. Sanctions may include the revocation or suspension of the Respondent's license, or other appropriate sanctions, in the manner provided by law.

(x) All reports and documentation required in this Stipulation and Order shall be submitted to the Board on a monthly basis for the first six months of probation. If

the Respondent is in compliance with all of the terms and conditions of this Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If the Respondent is not in compliance with all terms and conditions of this Order by the end of the first six (6) months of probation, all reports and documentation shall be submitted on a monthly basis until the Respondent is in compliance with the Order, after which all reports shall be submitted on a quarterly basis.

(xi) The Respondent shall complete and submit to the Board a Self-Assessment Report at the frequency described in provision 8(a)(x) of this Stipulation and Order. The Respondent will also prepare and present a practice plan to the Board that includes his working under the general supervision of a pharmacist licensed in good standing in the State of Utah. "General supervision" means that the Respondent's work will be supervised by a licensed pharmacist, but this supervisor does NOT have to be physically present in the pharmacy while the Respondent is working. General supervision also means, however, that the Respondent will never be alone while he is working in the pharmacy during the probationary period. A pharmacy technician or the supervising pharmacist must be present in the pharmacy with the Respondent at all times. If DOPI were to do a surprise inspection of the Respondent's pharmacy and he were alone in the pharmacy, he would be in violation of his probation. The Self-Assessment Report shall be completed on a form prescribed by the Division.

(xii) The Respondent shall participate in all therapy and aftercare that the Division and the Board may require, though at this time the Division is satisfied that the care and aftercare the Respondent received at Highland Ridge or at the Direction of Mr. Mumm is sufficient. The Division reserves the right, however, to order additional care and treatment for the Respondent if it deems it necessary.

(xiii) The Respondent has submitted documentation that he has participated in a 12-step program, including his attendance at 90 meetings in 90 days. He will continue to attend the 12-step program and submit reports to the Division at the frequency described in provision 8(a)(x) of this Stipulation and Order. Unless otherwise directed, the Respondent shall attend a professional support group at least two times per month.

(xiv) The Respondent shall notify any employer of his restricted status and the terms of this agreement by providing each of his employers a copy of this Stipulation and Order. The Respondent will also cause each employer to acknowledge to the Board in writing that a copy of this Stipulation and Order has been provided to the employer. He shall further cause his employer to submit performance evaluations to the Board at the frequency described in provision 8(a)(x) of this Stipulation. The receipt of an unfavorable report may be considered to be a violation of her probation. If the Respondent is not employed

as a pharmacist, he shall submit the employer report form on the date it is due and indicate on that form that his current employment is not in pharmacy or that he is not currently working

(xv) The Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether the Respondent is employed in his profession

(xvi) The Respondent shall not fill prescriptions for controlled substances for himself or his immediate family

(xvii) The Respondent shall not act as a pharmacist in charge

(xviii) The Respondent shall complete an additional six (6) hours of continuing education courses. Three of these hours must be in law and ethics

(xix) In the event the Respondent does not practice as a pharmacist for a period of sixty (60) days or longer, he shall notify the Board in writing of the date he ceased practicing. The period of time in which he does not practice shall not be counted toward the time period of this Stipulation and Order. It shall be within the discretion of the Board to modify this requirement if the Respondent satisfactorily explains to the Board that compliance in his case was impractical or unduly burdensome. The Respondent must work at least sixteen (16) hours per week and generally no more than forty-eight (48) hours per week to be considered 'practicing' in Respondent's profession. The Respondent will, however, be allowed, on occasion, to work more than 48 hours a week and up to sixty (60) hours per week when covering for other pharmacists, provided these extended hours do not negatively affect the Respondent's ability to comply with the conditions and provisions of this Stipulation and Order, his health and his ability to safely work and function as a pharmacist. The Respondent will notify the Division in advance when he plans to work more than 48 hours a week, and if this happens too often or it creates a problem for the Respondent or the Division, the Division reserves the right to limit the Respondent's work hours to 48 hours a week

(xx) If the Respondent leaves the State of Utah for a period longer than sixty (60) days, he shall notify the Division and Board in writing of the dates of his departure and return. The licensing authorities of the jurisdiction to which the Respondent moves shall be notified by the Respondent in writing of the provisions of this Stipulation and Order. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation and Order is in effect, if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order

(xxi) If the Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should the Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, the Respondent agrees to cause the Division and Board to be notified immediately. If the Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge but excluding criminal charges arising out of the circumstances that form the basis for this Stipulation and Order, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and an opportunity for a hearing. Such sanctions may include revocation or suspension of the Respondent's license, or other appropriate sanctions. Further, the Division may take appropriate action against the Respondent if any new information is revealed regarding a subsequent violation that affects patient care or the Respondent's ability to safely and competently practice as a pharmacist.

(xxii) The Respondent must maintain current professional licenses at all times during the period of this agreement.

(xxiii) The Respondent shall immediately notify the Division in writing of any changes in his residential or business addresses.

b. The Respondent shall pay a fine of \$1,500 (one thousand five hundred dollars) under the provisions of Utah Code Ann. § 58-17b 504(5)(b) and Utah Code Ann. § 58-1-501(2)(c), due and payable to the Division within six months of the effective date of this Stipulation and Order.

9. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. The Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order, and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment the Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. The Respondent agrees to abide by and comply with all applicable federal and state laws,

regulations, rules and orders related to his practice as a pharmacist and the dispensing of controlled substances

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. The Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order part of this Stipulation and Order. The Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, the Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject the Respondent to revocation of his license or other sanctions.

13 If the Respondent violates any term or condition of this Stipulation and Order, the Division may take action against the Respondent, including imposing appropriate sanctions, in the manner provided by law. Such sanctions may include revocation or suspension of the Respondent's license, or other appropriate sanctions.



14 The Respondent has read each and every paragraph contained in this Stipulation and Order  
He understands each and every paragraph contained in this Stipulation and Order, and he has no  
questions about any paragraph or provision contained in this Stipulation and Order


**DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING**

BY   
LAURA POE  
Bureau Manager

DATE June 2, 2009

APPROVED AS TO FORM

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY   
Dan Liu, AAG  
Counsel for the Division

DATE 5/28/09

**RESPONDENT**

BY   
TRENT KJAR DECKER  
Respondent

DATE 5-21-09

BY   
Scott Bell  
Counsel for the Respondent

DATE 5/28/09

**ORDER**

THE ABOVE STIPULATION, in the matter of **TRENT KJAR DECKER**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 2<sup>nd</sup> day of June 2009

**DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING**

A handwritten signature in black ink, appearing to read 'Thad Levar', is written over a horizontal line.

Thad Levar  
Acting DOPL Director